

REFERENCE TITLE: feral honeybees; public nuisance

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2306

Introduced by
Representatives Burns J, Alvarez, Bradley, Brown, Hershberger,
Kirkpatrick, Lopez, McClure, Tobin, Senators Bee, O'Halleran:
Representatives Cajero Bedford, Campbell CH, Farley, Konopnicki, Lopes,
Mason, Prezelski, Saradnik, Senators Aboud, Arzberger, Garcia, Pesquiera,
Soltero

AN ACT

AMENDING SECTION 36-601, ARIZONA REVISED STATUTES; RELATING TO HEALTH
MENACES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 36-601, Arizona Revised Statutes, is amended to
3 read:
4 36-601. Public nuisances dangerous to public health
5 A. The following conditions are specifically declared public nuisances
6 dangerous to the public health:
7 1. Any condition or place in populous areas ~~which~~ THAT constitutes a
8 breeding place for flies, rodents, mosquitoes and other insects ~~which~~ THAT
9 are capable of carrying and transmitting disease-causing organisms to any
10 person or persons OR ANY CONDITION OR PLACE THAT CONSTITUTES A HIVE OR FERAL
11 COLONY OF HONEYBEES THAT IS NOT CURRENTLY AND ACTIVELY CONTROLLED OR
12 MAINTAINED BY A BEEKEEPER AND THAT POSES A HEALTH OR SAFETY HAZARD TO THE
13 PUBLIC.
14 2. Any spoiled or contaminated food or drink intended for human
15 consumption.
16 3. Any restaurant, food market, bakery or other place of business or
17 any vehicle where food is prepared, packed, processed, stored, transported,
18 sold or served to the public ~~which~~ THAT is not constantly maintained in a
19 sanitary condition.
20 4. Any place, condition or building THAT IS controlled or operated by
21 any governmental agency, ~~state or local, which~~ AND THAT is not maintained in
22 a sanitary condition.
23 5. All sewage, human excreta, wastewater, garbage or other organic
24 wastes deposited, stored, discharged or exposed so as to be a potential
25 instrument or medium in the transmission of disease to or between any person
26 or persons.
27 6. Any vehicle or container THAT IS used in the transportation of
28 garbage, human excreta or other organic material ~~which~~ AND THAT is defective
29 and allows leakage or spillage of contents.
30 7. The presence of ectoparasites such as bedbugs, lice, mites and
31 others in any place where sleeping accommodations are offered to the public.
32 8. The maintenance of any overflowing septic tank or cesspool, the
33 contents of which may be accessible to flies.
34 9. The pollution or contamination of any domestic waters.
35 10. The use of the so-called common drinking cup used for drinking
36 purposes by more than one person. ~~, but~~ This ~~shall~~ PARAGRAPH DOES not apply
37 to receptacles properly washed and sanitized after each service.
38 11. The presence of common towels for use of the public in any public
39 or semipublic place unless properly washed and sanitized following each use.
40 12. Buildings or any parts ~~thereof which~~ OF BUILDINGS THAT are in a
41 filthy condition and ~~which~~ THAT may endanger the health of persons living in
42 the vicinity.
43 13. Spitting or urinating ~~upon~~ ON sidewalks, or floors or walls of a
44 public building or buildings used for public assemblage, or a building used

1 for manufacturing or industrial purposes, or ~~upon~~ ON the floors or platforms
2 or any part of a railroad or other public conveyance.

3 14. The use of the contents of privies, cesspools or septic tanks or
4 the use of sewage or sewage plant effluents for fertilizing or irrigation
5 purposes for crops or gardens except by specific approval of the department
6 of health services or the department of environmental quality.

7 15. The maintenance of public assemblage or places of assemblage
8 without providing adequate sanitary facilities. ~~;~~ ~~but~~ Open surface privies
9 ~~shall be deemed~~ ARE adequate sanitary facilities if they are outside populous
10 areas and meet reasonable health requirements.

11 16. Hotels, tourist courts and other lodging establishments that are
12 not kept in a clean and sanitary condition, ~~;~~ or for which suitable and
13 adequate toilet facilities are not provided.

14 17. The storage, collection, transportation, disposal and reclamation
15 of garbage, trash, rubbish, manure and other objectionable wastes other than
16 as provided and authorized by law ~~and rule~~.

17 18. Water, other than that used by irrigation, industrial or similar
18 systems for nonpotable purposes, THAT IS sold to the public, distributed to
19 the public or used in production, processing, storing, handling, servicing or
20 transportation of food and drink ~~which~~ AND THAT is unwholesome, poisonous or
21 contains deleterious or foreign substances or filth or disease causing
22 substances or organisms.

23 19. The emission of mercaptan in a concentration level ~~which~~ THAT
24 causes endangerment to the health or safety of any considerable number of
25 persons of a neighborhood or community.

26 20. The operation of an environmental laboratory in violation of
27 chapter 4.3, article 1 of this title.

28 B. ~~When~~ IF the director has reasonable cause to believe from
29 information furnished ~~him~~ TO THE DIRECTOR or from investigation made by ~~him~~
30 THE DIRECTOR that any person is maintaining a nuisance or engaging in any
31 practice contrary to the health laws ~~or rules~~ of ~~the~~ THIS state, ~~he~~ THE
32 DIRECTOR shall ~~forthwith~~ PROMPTLY serve ~~upon such~~ ON THAT person by certified
33 mail a cease and desist order requiring the person, ~~upon~~ ON receipt of the
34 order, ~~forthwith~~ PROMPTLY to cease and desist from ~~such~~ THAT act. Within
35 fifteen days after receipt of the order, the person to whom it is directed
36 may request the director to hold a hearing. The director, as soon as
37 practicable, shall hold a hearing, and if ~~he~~ THE DIRECTOR determines the
38 order is reasonable and just and that the practice engaged in is contrary to
39 the health laws ~~or rules~~ of ~~the~~ THIS state, the director shall order ~~such~~ THE
40 person to comply with the cease and desist order.

41 C. ~~Upon the failure or refusal of~~ IF a person FAILS OR REFUSES to
42 comply with the order of the director, or if a person to whom the order is
43 directed does not request a hearing and fails or refuses to comply with the
44 cease and desist order served by mail under ~~the provisions of~~ subsection B,
45 the director may file an action in the superior court in the county in which

1 a violation ~~has~~ occurred, restraining and enjoining the person from engaging
2 in further acts. The court shall proceed as in other actions for
3 injunctions.

4 D. Notwithstanding ~~the provisions of~~ subsection A, paragraph 19, the
5 emission of mercaptan as a by-product of a pesticide is not a nuisance ~~when~~
6 ~~IF~~ applied according to state and federal restrictions.

7 E. Notwithstanding ~~the provisions of~~ subsection A, paragraph 3, a
8 restaurant that uses sawdust on the floors of its dining areas is not in
9 violation of this section or local health department sanitary rules if the
10 restaurant replaces the sawdust each day with clean sawdust and complies with
11 applicable standards for fire safety.